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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10 FOX TELEVISION STATIONS, INC.,
11 TWENTIETH CENTURY FOX FILM
12 CORPORATION, and FOX
13 BROADCASTING COMPANY, INC.,

14 Plaintiffs,

15 vs.

16 FILMON X, LLC, ALKIVIADES
"ALKI" DAVID, FILMON.TV
17 NETWORKS, INC., FILMON.TV,
18 INC., FILMON.COM, INC. and DOES
1 through 3, inclusive,

19 Defendants.

CASE NO. CV12-06921-GW (JCx)

Consolidated with Case No. CV12-
6950-GW(JCx)

**DEFENDANTS' NOTICE OF
MOTION FOR SUMMARY
ADJUDICATION OF
DEFENDANTS' COUNTERCLAIM
FOR DECLARATORY RELIEF
AND DEFENDANTS' SECTION 111
AFFIRMATIVE DEFENSE**

[Filed concurrently with Brief; Separate
Statement; Request for Judicial Notice;
Declarations of Alkiviades David,
Mykola Kutovyy, Dr. Sigurd Meldal,
Kim Hurwitz and Kelly Raney; Motion
to Seal; Notice of Lodging; and
[Proposed] Orders]

Judge: Hon. George H. Wu
Courtroom 10

Hearing Date: July 16, 2015
Time: 8:30 a.m.

NOTICE OF MOTION

TO THE COURT AND ALL PARTIES AND THEIR ATTORNEYS OF
RECORD:

PLEASE TAKE NOTICE that on July 16, 2015, at 8:30 a.m., or as soon
thereafter as counsel may be heard, in Courtroom 10 of the above referenced Court,
located at 312 N. Spring Street, Los Angeles, California, before the Honorable
George H. Wu, Defendants and Counterclaimants FilmOn X, LLC, Alkiviades
David, Filmon.TV Networks, Inc. and FilmOn.com, Inc. (collectively,
“Defendants”) will, and hereby do, move pursuant to Federal Rule of Civil
Procedure 56 for summary adjudication as follows:

(1) Defendants request that the Court grant summary adjudication in their
favor on their fifteenth affirmative defense based on 17 U.S.C. section 111
(“Section 111”) and rule that Defendants are not subject to copyright liability for
past retransmissions of the plaintiff-networks’ copyrighted works.

(2) Defendants further requests that the Court grant summary adjudication
on their counterclaim for declaratory relief, and declare that FilmOn X, LLC is
entitled to a Section 111 copyright license and may resume secondary transmissions
of signals or programs broadcast by one or more television broadcast stations
licensed by the Federal Communications Commission, subject to the requirements
of the Copyright Act.

This motion is based on this Notice; the accompanying Memorandum of
Points and Authorities; the Separate Statement of Uncontroverted Material Facts
and Conclusions of Law; the Request for Judicial Notice; the Declaration of
Alkiviades David; the Declaration of Mykola Kutovoy; the Declaration of Dr.
Sigurd Meldal; the Declaration of Kim Hurwitz; the Declaration of Kelly M. Raney;
the pleadings and other papers on file in this action; and such further argument and
evidence as may be presented at or before the hearing. This motion is made

1 following the conference of counsel pursuant to Local Rule 7-3. A proposed order
2 is submitted respectfully herewith.

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4 Dated: June 18, 2015

Respectfully submitted,

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6 By: /s/ Ryan G. Baker

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